

OCA 86-3092  
16 September 1986

MEMORANDUM FOR: C/PB/PPG/OS  
C/ALD/OGC  
C/ICAD/OGC

FROM:  Legislation Division  
Office of Congressional Affairs

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SUBJECT: Draft Substitute for S. 1815 - Banning Private Use of  
Polygraphs

1. Attached for your information and comment is a copy of a draft bill prepared by Senator Hatch's staff on the Senate Labor and Human Relations Committee. It would be offered in substitution for S. 1815, a bill which you will recall was introduced by Senator Hatch to ban the private use of polygraphs and reported out by the Committee as introduced.

2. The exemption for Agency contractors in the original version of S. 1815 was deficient. This draft improves the exemption by adopting the version of the exemption contained in the House-passed version of this legislation, H.R. 1524 (Section 208(b) - pp 13-14).

3. The Senator's staff is circulating the bill among interested parties for comment. It appears he is attempting to obtain a consensus so that it may be offered in the remaining days of this Congress, perhaps as a rider to a continuing resolution or other "must pass" legislation. As you may recall, though, several other Senators have strongly objected to the bill and the Department of Justice has threatened a veto recommendation. Thus, the bill is facing difficult odds.

4. The exemption as drafted appears to meet the Agency's concerns. We would, however, appreciate your comments.

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Attachment  
as stated

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S.L.C.

AMENDMENT NO. \_\_\_\_

Calendar No. \_\_\_\_

Purpose: To prevent the denial of employment opportunities by prohibiting the use of polygraph examinations by employers involved in or affecting interstate commerce, unless the examination is made in accordance with certain minimum standards.

IN THE SENATE OF THE UNITED STATES--99th Cong., 2d Sess.

S. 1815

To prevent the denial of employment opportunities by prohibiting the use of lie detectors by employers involved in or affecting interstate commerce.

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Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

ordered to lie on the table and to be printed

Amendment In the Nature of a Substitute intended to be proposed  
by Mr. Hatch

Viz:

- 1 Strike out all after the enacting clause and insert in
- 2 lieu thereof the following:

3 SHORT TITLE

- 4 Section 1. This Act may be cited as the "Polygraph
- 5 Reform Act of 1986".

6 POLYGRAPH EXAMINATIONS

- 7 Sec. 2. The Fair Labor Standards Act of 1938 (29 U.S.C.
- 8 201 et seq.) is amended--

- 9 (1) by inserting above the heading of section 2 the
- 10 following:

11 "TITLE I--FAIR LABOR STANDARDS";